

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT DOUGLAS HARTMAN,

Defendant.

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No.: 4:07CR00405-HEA (DDN)

**MOTION FOR NOTICE OF INTENT TO USE
AND DESCRIPTION OF 404(b) EVIDENCE**

COMES NOW the Defendant, Robert Douglas Hartman, and moves for production of the following specific materials:

1. Notice of and a description of any prior similar act, as well as any other evidence covered by Rule 404(b), Fed.R.Evid., that the Government would seek to introduce at trial. See *United States v. Shackleford*, 738 F.2d 776 (7th Cir. 1984); *United States v. Mahone*, 537 F.2d 922 (7th Cir.) *cert. denied*, 429 U.S. 1025.

2. The Defendant further requests a statement of the Government's theory of admissibility with respect to each item of Rule 404(b) evidence. See *Huddleston v. United States*, 108 S.Ct. 1496, 1501, n.6 (1988) (trial court must conduct Rule 403 balancing inquiry before introduction of Rule 404(b) evidence; strength of evidence establishing the similar act is one of Rule 403 balancing factors).

3. The undersigned counsel has discussed the issues raised in this Motion with counsel for Plaintiff and has a good faith basis for seeking the materials herein stated.

Respectfully submitted,

/s/Burton H. Shostak

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2007, a true and correct copy of the foregoing was electronically filed with Clerk of the Court to be served by operation of the Court's CM/ECF electronic filing system upon the following:

Howard J. Marcus

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usamoe.crimdock@usdoj.gov

/s/Burton H. Shostak